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PATENT
ATTORNEY DOCKET NO.: 046124-5025-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Yukio KATO et al.**

Application No.: **09/555,342**

Filed: **May 26, 2000**

Group Art Unit: **1642**

For: **HUMAN FETUS CHONDROCYTE-
DERIVED GENE**

Examiner: **Minh-Tam Davis**

U.S. Patent and Trademark Office
Customer Window, Mail Stop RCE
Randolph Building
Alexandria, VA 22314

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

☐ Previously submitted:

☐ Please enter/consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____. (Any unentered amendment(s) referred to above will be entered).

☐ Please consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.

☐ Other _____.

☒ Enclosed:

☒ Preliminary Amendment

☐ Affidavit(s)/Declaration(s)

☐ Information Disclosure Statement with PTO Form 1449 and _____ cited references

☐ Other _____.

02/09/2006 JADD01 00000096 500310 09555342

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2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- ☐ Other _____.

3. Fees Calculation

- (a) RCE Fee required under 37 C.F.R. § 1.17(e)

☒ \$790.00☐ \$395.00 (for small entity)

- (b) Extension of Time

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefore.

☐ An extension for ____ month(s) has already been secured and the fee paid therefore of \$_____ is deducted from the total fee due for the total months of extension now requested.

- (c) Suspension of Action under 37 C.F.R. § 1.103(c)

☐ A fee of _____ as set out in 37 C.F.R. § 1.17(i).

(d.) Excess Claim Fee (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	24	minus	37	0	x \$50 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	14	minus	15	0	x \$200 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$0.00

The total fee for this submission: \$790.00

4. Fee Payment

[] Check in the amount of \$_____ filing fee is enclosed.

[X] The Director is hereby authorized to charge **\$790.00** (\$790.00 RCE filing fee) to our Deposit Account No. 50-0310.

5. Additional papers enclosed:

[] Declaration of Biological Deposit

[] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

6. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 8, 2006

By:

Christopher J. Betti
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